

about July 15, 1940, by the Catania Importing Co. from Boston, Mass.; and charging that it was adulterated and misbranded. The article was labeled in part: "One Gallon La-Spagnola Brand Oil 78% Choice Cottonseed Salad Oil 22% Pure Imported Italian Olive Oil."

The article was alleged to be adulterated (1) in that an artificially flavored and colored mixture of cottonseed oil and olive oil had been substituted wholly or in part for cottonseed oil and olive oil; (2) in that inferiority had been concealed by the addition of artificial flavoring and coloring; (3) in that artificial flavoring and coloring had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was; and (4) in that it contained a coal-tar color other than one from a batch that had been certified in accordance with regulations as provided by law.

It was alleged to be misbranded (1) in that the wording and design of the labeling were false and misleading since they conveyed the impression that it was of foreign origin; (2) in that the statement "78% Choice Cottonseed Salad Oil 22% Pure Imported Italian Olive Oil" was false and misleading as applied to an artificially flavored and colored mixture of cottonseed oil and olive oil; (3) in that it was an imitation of another food and its label did not bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; (4) in that the label contained representations in a foreign language (Italian) and the information required by law to appear on the label did not appear thereon in the foreign language; (5) in that it was fabricated from two or more ingredients and its label did not bear the common or usual name of each ingredient; and (6) in that it contained artificial flavoring and artificial coloring and the label did not state that fact.

On December 23, 1941, the case having been called and heard, judgment of condemnation was entered and the product was ordered destroyed.

3801. Adulteration and misbranding of olive oil. U. S. v. 67 Dozen Bottles of Olive Oil (and 7 other seizure actions against olive oil). Default decrees of condemnation. Portion of product distributed to charitable institutions; remainder ordered destroyed. (F. D. C. Nos. 6065, 6103, 6108, 6214, 6215, 6575, 6649, 6687. Sample Nos. 17997-E, 25732-E, 25813-E, 25836-E, 42770-E, 49804-E, 66310-E, 66311-E, 84000-E.)

This product was represented to be imported olive oil but in two of the lots it consisted of a mixture of olive oil and cottonseed oil, and in the remaining lots, it consisted essentially of an oil or oils other than olive oil (mostly cottonseed oil or sesame seed oil) containing little or no olive oil.

Between October 23, 1941, and January 12, 1942, the United States attorneys for the Middle District of Alabama, Western District of Pennsylvania, Eastern District of Wisconsin, Eastern District of Louisiana, Northern District of Alabama, and the Southern District of Alabama, filed libels against 67 dozen bottles of olive oil at Andalusia, Ala., 21 cases at Blairsville, Pa., 36 cases at Milwaukee, Wis., 69 cases at New Orleans, La., 129 bottles at Birmingham, Ala., 63½ dozen bottles at Collinsville, Ala., and 11 dozen bottles at Brewton, Ala., alleging that the article had been shipped in interstate commerce within the period from on or about February 19 to on or about October 3, 1941, by the Empire Spice Mills Manufacturing Co. from Chicago, Ill.; and charging that it was adulterated and misbranded. The article was labeled in part: "Pure Imported Burma Brand Olive Oil"; or "United Brand * * * Pure Imported Olive Oil Distributed by United Food Sales, Milwaukee, Wis."

Two of the lots were alleged to be adulterated in that a mixture of cottonseed oil and olive oil had been substituted wholly or in part for olive oil, which it purported to be. The remaining lots were alleged to be adulterated in that an oil or oils other than olive oil (in most instances cottonseed oil or sesame oil) and containing little or no olive oil, had been substituted wholly or in part for olive oil, which it purported to be.

The article, with the exception of the lot seized at Birmingham, was alleged to be misbranded (1) in that the statement "Pure Imported Olive Oil" was false and misleading as applied to a substance consisting of a mixture of olive oil and cottonseed oil, or to substances consisting essentially of an oil or oils other than olive oil and containing little or no olive oil; and (2) in that it was offered for sale under the name of another food.

Within the period from November 25, 1941, to May 6, 1942, no claimant having appeared, judgments of condemnation were entered. The portions of the product located at Andalusia and Brewton, Ala., were ordered distributed to charitable institutions and the remainder was ordered destroyed.